

AUG - 5 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
Amendment of Part 90 of the)
Commission's Rules to Facilitate)
the Future Development of SMR)
Systems in the 800 MHz)
Frequency Band)

PR Docket No. 93-144

**REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) respectfully submits these Reply Comments on the Commission's Notice of Proposed Rulemaking (NPRM) in this proceeding, released June 9, 1993. USTA did not file comments. These reply comments address the continuing obstacles to a fully competitive SMRS framework that exist in the Commission's rules, and that would be perpetuated here.

USTA concurs with GTE (at 2-3) that the SMRS rules are not consistent with operational realities. SMR systems are expanding in scope and size, and in the nature of their offerings, and they often operate on an interconnected basis with common carrier networks. Their offerings include voice and data communications, and now can be targeted to any user. Fleet Call, 6 FCC Rcd 1533 (1991); 47 CFR 90.603(c).

Regulation should accommodate the convergence of ostensibly private SMRS with public common carrier radio services, by unifying the rules for eligibility and provision of service. Southwestern Bell at 3. The distinctions that remain are transparent and prejudicial to USTA member companies and to any affiliates they may have with SMRS or similar aspirations. See Comments of Radiofone at 6-8. A number of comments support rules that will diversify SMRS and thus will expand eligibility. See, e.g., UTC at 1,3.

Expanded Mobile Service Provider (EMSP) licensing, if made available only to existing SMRS licensees, will further reinforce the anticompetitive eligibility arrangement, rather than help to cure it. USTA agrees with UTC in this respect, among others. Id.; See also UTC at 4. USTA members - the exchange carriers - should be able to be eligible for EMSP licenses.¹

The public interest is not served by rules that eliminate competitive incentives in licensing and provision of EMSP service. Radiofone at 11-12. The optimum approach to EMSP is not addressed by the NPRM; however, the NPRM will not provide the most useful competitive spur, or the service alternatives, that could be provided to existing 800 SMR licensees with expanded eligibility.²

Contrast Comments of Fleet Call at 7 and also at 12 (argues for preference for

¹Southwestern Bell at 4; BellSouth at 5-10; Bell Atlantic at 1.

²PacTel Paging at 6, ¶8.

existing licensees, even where facilities are not yet even constructed.) In light of the rapid emergence of possibilities for new SMR service options and alternatives, it is incorrect to characterize the SMR industry as "mature." It is consolidating now only because new entrants in the form of common carriers and their affiliates are excluded.

The Commission should bring its SMRS rules into line with technological and market realities, promoting competition through open SMRS and EMSP entry, and removing limits on implicitly "suspect" classes of service providers that merit no such handicap. The public itself has no interest in removing alternatives or choice in these services.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

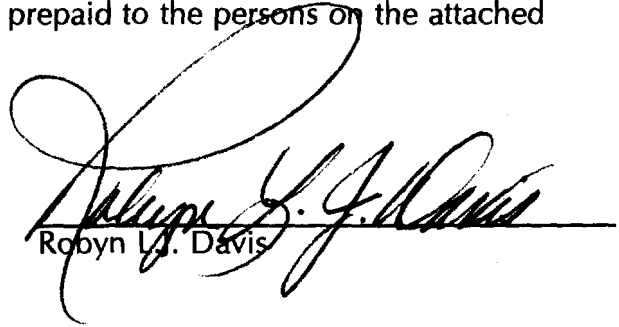
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August 5, 1993

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on August 5, 1993 copies of the Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.


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